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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,248	03/08/2001	Thomas E. Chefalas	YOR920000718US1 (14031)	5564

7590 04/02/2008

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EXAMINER	
NELSON, FREDA ANN	
ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
04/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/802,248	CHEFALAS ET AL.	
	Examiner	Art Unit	
	FREDA A. NELSON	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *December 26, 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5,10-14,16-19,22-36,38 and 39* is/are pending in the application.

4a) Of the above claim(s) *12-14 and 16-18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,10-14,16-19,22-36,38 and 39* is/are rejected.

7)☒ Claim(s) *31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The amendment received on December 26, 2007 is acknowledged and entered. Claims 1, 19, 31 and 33 have been amended. Claims 2, 6-9, 15, 20-21, and 37 have been canceled. Claims 12-14 and 16-18 have been withdrawn. Claims 38-39 have been added. Claims 1, 3-5, 10-14, 16-19, 22-36 and 38-39 are currently pending.

Response to Amendments and Arguments

Applicant's arguments filed December 26, 2007 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that "unlike Kirkpatrick that discloses consumers completing registration at the point of purchase at the retailer site only, the independent claims of the present application recite allowing a user to "subsequently" complete the registration, using the web page generated with the information previously transmitted to the manufacturer at the time of the purchase", the examiner respectfully disagrees. Kirkpatrick discloses the systems and methods described herein include methods for product registration that comprise providing an online site for purchasing a product,

providing an online registration form for registering the purchased product, identifying during the purchase transaction a completion point representative of when the purchase is complete , and displaying the online registration form subsequent to completion point for allowing a user to register a product, warranty, or other manufacturer provided incentive (paragraph [0009])

In response to applicant's argument that "the cited references do not disclose or suggest, allowing a user to verify and update the information transmitted at the time of purchase, when the user subsequently logs on to complete the registration", the asserts that examiner respectfully disagrees. Kirkpatrick discloses the systems and methods described herein include methods for product registration that comprise providing an online site for purchasing a product, providing an online registration form for registering the purchased product, identifying during the purchase transaction a completion point representative of when the purchase is complete, and displaying the online registration form subsequent to completion point for allowing a user to register a product, warranty, or other manufacturer provided incentive (paragraph [0009])

Examiner's Note

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully

consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Objections

1. Claim 31 is objected to because of the following informalities:

Claim 31, line 9, "; wherein:" should be ",wherein:".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 10-11, 19, 25, 27, and 29-33 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 10-11, 19, 25, 27, and 29-33, the independent claim is according to the preamble, directed to a method for automating product registration. The body of the claim however merely recites "presenting a web page to *allow* the user to verify and update said product registration". "Allowing" only requires serving as the reason for an action though, not necessarily performing the action. Therefore, because applicant has not positively recited that said web page is presented for the user to verify and update

said product registration, the examiner take the position that the verification and updating of registration information does not take place.

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-5, 10, 19, 25, 27-28 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kirkpatrick et al. (US PG Pub. 2001/0042022).

As per claims 1, 10, 19, 25, 27-28, and 37 Kirkpatrick et al. discloses a computer-implemented method for automating product registration, comprising:

receiving at a time a customer purchases one or more products from a seller, and via a communication network, product registration information and associated customer information at a server associated with a manufacturer (paragraph [0008]); wherein:

the product registration information is associated with said one or more products that are manufactured by the manufacturer, and purchased by the customer, from the seller (paragraph [0022]);

the customer information is associated with the customer and is acquired at the time the customer purchases said one or more products[0017];

storing the product registration information and the customer information at a server associated with the manufacturer ([0024]-[0025]);

waiting for a user to complete registration;

generating at least one web page using said product registration information and said customer information received at the server of said manufacturer at the time the customer purchases said one or more products, wherein said product registration information and said customer information generated at the time of purchase and transmitted to the manufacturer is automatically used for subsequent completion of registration (paragraphs [0009],[0012],[0016],[0022]);

when a user subsequently logs into a web site associated with the manufacturer, presenting said web page to allow the user to verify and update said product registration information and said customer information ([0009]); and

completing a product registration of said one or more products when the customer verifies, and updates said product registration information and said customer information (paragraph [0009]).

As per claim 4, Kirkpatrick et al. discloses the computer-implemented method according to Claim I, wherein the at least one web page is generated when said customer uses a computer to communicate with a website associated with said manufacturer (paragraphs [0012],[0016],[0022]).

As per claim 5, Kirkpatrick et al. discloses the computer-implemented method according to Claim 1, wherein said customer information includes at least one of a name, address and telephone number of said customer (paragraph [0031]).

As per claim 10, Kirkpatrick discloses the computer-implemented method according to Claim 1, wherein: the at least one web page allows the customer to update at least one of said customer) information and said product registration information ([0041],[0044]).

As per claim 39, Kirkpatrick discloses the computer-implemented method wherein the user is a customer ([0043])

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, 22-24, 27-28, 31, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkpatrick et al. (US PG Pub. 2001/0042022), in view of Flickinger et al. (US PG Pub. 2001/0025245).

As per claims 3 and 22, Kirkpatrick et al. does not expressly disclose the computer-implemented method according to Claim I, wherein said product registration information comprises a sales transaction record.

However, Flickinger et al. disclose a method for automatically registering an asset as part of a purchasing transaction for that asset (see paragraph [0008]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention or Kirkpatrick et al. to include the feature of Flickinger et al. in order to provide the manufacturer and or customer a more

detailed and secured registration process by providing a record of the sale(s).

As per claim 23 and 34, Kirkpatrick et al. does not expressly disclose the system according to claim 19, wherein said server associated with the seller utilizes a telephone number provide by said customer at said time of purchase to retrieve said customer information from a directory.

However Flickinger et al. disclose the electronic file contains data specific to the purchasing entity, including such information as would typically be requested for registration of an asset (e.g., name, address, and marketing information; the purchaser-specific data file, called an E-registrar, can be an electronic file on a storage media that is accessible to a purchaser's computer (e.g., integrated into the OS or web browser, smart card reader), or could be maintained by a third party (e.g., credit card company website where purchaser creates and updates his E-registrar file via the Internet; and the data on this electronic file can be extracted during the purchasing transaction (e.g., point-of-sale (POS), online) or can be extracted in a separate transaction initiated by the purchaser after the purchasing transaction (paragraph [0009]; [0021]).

Flickinger does not disclose utilizing a telephone number to retrieve customer information, however, it is old and well known in the business art that telephone numbers are used to retrieve customer information. It is old and well known that grocery stores and department stores use customer telephone numbers in lieu of smart cards to retrieve customer information in order to give customers discounts.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Kirkpatrick et al. to include the feature of Flickinger to include the feature telephone number feature as another means to retrieve customer information.

As per claims 24 and 35, Kirkpatrick et al. does not expressly disclose the computerized system according to Claim 19, wherein the seller manually enters said customer information at said time of purchase.

However, Flickinger et al. discloses in the case of some assets which are purchased at a retail outlet or on-line, the purchaser is asked to register the asset on-line via an Internet connection and in either case, the user must perform the product or warranty registration manually (i.e., fill out the card by hand and mail it or log onto the Internet and enter the requested information) (paragraph [0005]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention to modify the feature of Kirkpatrick et al. to include the feature of Flickinger et al. to provide the customer the convenience of having the seller enter the information for the customer.

As per claims 31 and 33, Flickinger et al. disclose a program storage device readable by a machine, tangibly embodying a program of instructions, executable by said machine to perform a method for automating
product registration, the method comprising:

(a) acquiring customer information associated with a customer at a time of purchase of one or more products by said customer, from a seller (paragraph [0021]) {the purchaser-specific data file, called an E-registrar, can be an electronic file on a storage media that is accessible to a purchaser's computer (e.g., integrated into the OS or web browser, smart card reader), or could be maintained by a third party (e.g., credit card company website where purchaser creates and updates his E-registrar file via the Internet; and the data on this electronic file can be extracted during the purchasing transaction (e.g., point-of-sale (POS), online) or can be extracted in a separate transaction initiated by the purchaser after the purchasing transaction};

(b) associating product registration information with said one or more products; and

(c) transmitting, at the time of purchase of the one or more products, via a communication network, and from the seller to a server associated with a manufacturer of said one or more products, said product registration information and said customer information (paragraph [0021]) {the purchaser-specific data file, called an E-registrar, can be an electronic file on a storage media that is accessible to a purchaser's computer (e.g., integrated into the OS or web browser, smart card reader), or could be maintained by a third party (e.g., credit card company website where purchaser creates and updates his E-registrar file via the Internet; and the data on this electronic file can be extracted during the purchasing transaction (e.g., point-of-sale (POS), online) or can be extracted in a separate transaction initiated by the purchaser after the purchasing transaction}.

the server associated with the manufacturer stores said product registration information and said customer information, generates at least one web page using said product registration information and said customer information transmitted thereto , wherein said product registration information and said customer information generated at the time of the purchase and transmitted to the manufacturer is automatically used for subsequent completion of registration, and when a user subsequently logs into a web site associated with the manufacturer, said web page is presented to allow the customer to verify and update said product registration information and said customer information (paragraph [0005], [0024]-[0025],[0031]; FIG. 5); and

the server associated with the manufacturer completes a product registration of said one or more products when the customer verifies and updates said product registration information and said customer information (paragraph [0006],[0038]).

5. Claims 11, 29-30, 32, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkpatrick et al. (US PG Pub. 2001/0042022), in view of Flickinger et al. (US PG Pub. 2001/0025245), still in further view of Dovolis (US PG Pub. 2001/0034609).

As per claims 11, 29-30, 32, 36, and 38, Kirkpatrick et al. does not disclose that the at least one web page allows said customer to indicate that the at least one product is a gift to a donee, said update including customer information relating to said donee.

However, Dovolis discloses a simple and effective method for registering warranty information at the point of purchase (paragraph [0013]); the system monitors the duration of the warranty period for each product so that a consumer may later visit the site to see when their warranty expires, to transfer warranties from one person to another if the product is given as a gift, and to view product instructions and other information available online for that particular product (paragraph [0013]); and the system provides a means for consumers to view their purchases on a consumer web page and to personalize their consumer page so as to categorize their products in any way that makes sense to them (paragraph [0013]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Kirkpatrick et al. to include the feature of Flickinger et al. and Dovolis in order to allow warranties to be transferred to from one person to another as is done with automobiles and homes.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkpatrick et al., in view of Flickinger et al., still in further view of Byrd et al. (US Patent Number 6,069,941).

As per claim 26, Kirkpatrick et al. does not disclose that the server associated with the manufacturer comprises a voice response unit server.

However, Byrd et al. disclose that as part of the prompt to the subscriber 12, the active one of the Virus 24 and 25 or the PC server 26 also provides an option to allow the subscriber to register the product (col. 6, lines 25-27); and the information entered by the subscriber 12 in connection with product registration is typically stored in a transcription VRU 46 within the call platform 20 having the capability of recording the subscriber-entered registration information; and the registration information stored in the transcription VRU 46 may be accessed by a customer transcriber 50 (i.e., a computer maintained by the product manufacturer) that communicates with the call platform 20 by calling a pre-assigned POTS routed to the switch 16 (col.6, lines 35-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Kirkpatrick et al. to include the feature of Flickinger et al. and Byrd et al. in order to allow consumers to use alternative option to contact the manufacturer's server.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. A. N./
Examiner, Art Unit 3628
03/30/08

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628